

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9554 of 2024

Arising Out of PS. Case No.-202 Year-2020 Thana- RAHUI District- Nalanda

Jawahar Yadav @ Jawahar Kumar Yadav S/O- Chhotan Yadav R/O- Village-
Hawanpura, P.S.- Rahui, Dist.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Dinesh Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rahui P.S. Case No. 202 of 2020, dated 17.06.2020 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, total 565.92 litres of foreign liquor was recovered from the white coloured Scorpio.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has one criminal antecedent as stated in para 3 of the bail petition in which he is on bail. Similarly situated co-accused persons Jodhan Paswanhas and co-accused



Ranjan Kumar @ Rajan Kumar have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.02.2021 passed in Cr. Misc. No. 32665/2020 and vide order dated 19.05.2021 passed in Cr. Misc. No. 2989 of 2021. No incriminating material has been recovered from the conscious possession of the petitioner, hence no case is made out against the petitioner. Learned counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of ***Ram Vinay Yadav vs. State of Bihar reported in 2019 (2) PLJR 1089***. The Full Bench in the case of ***Ram Vinay Yadav (supra)*** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be



enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 202 of 2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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